

should apply to everyone, and that is what this bill provides for. And by...this amendment simply strikes all of the language and provides for that in the last two paragraphs, new Section 2 and 3 that I referred to. I will try and answer any questions anybody might have, Mr. Chairman.

SPEAKER NICHOL: Mr. Clerk, I understand we have an amendment to the amendment.

CLERK: Mr. President, Senator Vard Johnson would move to amend Senator Lynch's amendment by striking Section 3 thereof.

SPEAKER NICHOL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker and members of the Legislature, I would like to tell you a quick story. I would like to have your attention for a quick moment so that you will understand the story. Senator Lynch's amendment is one that if adopted and if passed into law would prevent Senator Labedz, Senator Hall, Senator Chizek, and any other member of this Legislature from ever, from ever making any changes to health insurance coverage in the state. It would prevent any one of us here and our successors from ever making any health insurance changes in this state. Why? Because federal law establishes the self-insurance programs. They are known as the ERISA programs. There are now a dozen court cases in this country that have held that a state may not interfere in any way, shape, or form with the federally protected ERISA programs. Thus, it is impossible for a state legally to say that an ERISA program that is a self-insurance program shall include this feature or that feature or this feature or that feature. Now the Lynch amendment would say the State of Nebraska cannot provide any mandatory health insurance provisions unless it does the same for the ERISA programs. We are legally bound not to be able to do the same for the ERISA programs. Therefore, we would be legally bound not to be able to do anything with health insurance coverages on our state. So my amendment is very simple. I retain the basic salutary language of the Lynch amendment and bill but I strike subsection 3 thereof which simply says that we can't mandate any health insurance coverages unless we do the same for the ERISA programs. That is all it does.